IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 455 of 2001 (M/B)
(Old No. 47687 of 2000)

Satyendra Agarwal,
S/o Sri Musaddi Lal,
Proprietor M/s Bhagirathi Enterprises,
Bhagirathi Puram,
Tehri Garhwal. ……. Petitioner

Versus

1. Tehri Hydro Development Corporation Ltd.,
   Bhagirathipuram,
   Tehri Garhwal,
   Through its Manager (Personnel and Administration).
2. Commissioner,
   Workmen Compensation,
   Tehri Garhwal. ……. Respondents

Mr. S. Dhulia, Senior Advocate assisted by Ms. Puja Banga, Advocate for the petitioner.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

1. The petitioner, a Contractor, has filed this writ petition for the following reliefs:

> "a. to issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to release the pending payments and bills of the petitioner, which had earlier been withheld due to the claim petition No. 9/97 filed before the Commissioner, Workmen Compensation Tehri Garhwal and may further direct the respondent no. 1 not to withhold any present or future bills of the petitioner and the payments thereon in view of the aforesaid proceeding and the award in the aforesaid proceedings.
>
> b. to pass any other appropriate order or direction directing the respondent no. 1 to give suitable interest to the petitioner on the amount withheld by THDC as aforesaid.
>
> c. to issue any other writ, order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.
>
> d. to award cost of the writ petition to the petitioner."

2. From the facts disclosed in the writ petition and the reliefs claimed by the petitioner, it is apparent that the petitioner's entire claim is based on the alleged breach of contractual obligation.

3. That apart, the reliefs sought by the petitioner cannot be granted without resolving the disputed questions of fact involved in the matter.

4. In this view of the matter, we are of the opinion that it would be appropriate for the petitioner to approach competent Civil Court for the redressal of the grievances projected in the writ petition.

5. With the above observation, the writ petition stands disposed of.

(M.M. Ghildiyal, J.)
21.02.2006

(Rajeev Gupta, C.J.)
21.02.2006

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